

THE PROPOSED RESTRUCTURING OF NELAC

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Introduction

The most significant changes to the National Environmental Laboratory Accreditation Conference (NELAC) since its establishment in 1994 are underway. These changes are timely, and can considerably strengthen NELAC by providing the conference with increased self-sufficiency and giving the private sector a more substantive role in the standards-development process. At the 7th NELAC Interim Meeting (NELAC 7i), held in Arlington, VA, on December 4 – 7, 2001, NELAC Chair Ms. Silky Labie charged the Transition Committee with development of a model for a major restructuring of the NELAC standards-development and standards-adoption processes. It is the purpose of this news bulletin to explain the need for restructuring, the progress made to date, and to solicit ideas from NELAC stakeholders. All opinions expressed herein are those of the author.

The Need for Restructuring

When NELAC was established in 1994, it was structured as an association of co-regulators: EPA, the states, and other federal agencies. EPA provides support for NELAC in the form of staff positions and an annual management budget. There are, however, certain limiting conditions under which NELAC must operate. The most significant limitations are that only state and federal government representatives can vote, and consensus advice from the private sector can only be solicited through the Environmental Laboratory Advisory Board (ELAB), a committee chartered under the Federal Advisory Committee Act (FACA). From the outset, EPA indicated that NELAC should eventually seek self-sufficiency, and for several years the Board of Directors and the Transition Committee have been exploring the possibility of having a non-profit organization help to fund, and assume many of the functions and expand the capabilities of NELAC.

Preliminary progress

During the weekend of December 1 –2, 2001, immediately preceding NELAC 7i, several NELAC stakeholders participated in a strategic planning meeting. Its purpose was to help define the need for and roles and responsibilities of a non-profit organization. A subset of these stakeholders held a “brainstorming” session to consider restructuring options that could accommodate involvement of a non-profit organization. They suggested splitting NELAC into a standards-development organization with equal government and private sector participation, and a standards adoption organization with government-only participation. This structure would have the following advantages:

1. The standards-development organization would be a non-profit organization independent of EPA, thus allowing it to raise support. This would create the

self-sufficiency that has remained a long-term goal of NELAC.

2. The standards-development organization would not suffer the constraints of the present NELAC that limits private sector involvement. This organization could be a truly equal partnership between government and the private sector.
3. The standards-adoption organization, by restricting its membership to federal and state government officials, could remain under the auspices of EPA, but would require significantly less support than the present NELAC.
4. The adoption of standards by federal and state government officials would meet the needs of state accrediting authorities that can only accept and implement standards voted in place by government.

The main group of stakeholders concurred with these recommendations, and agreed unanimously that this was the only feasible option presented thus far. It would meet all governmental needs, and would increase and strengthen private sector participation. Subsequently, this option was presented to the NELAC Board of Directors and discussed by the conference during NELAC 7i. At that time, the Transition Committee agreed to develop a model for this new structure.

Since NELAC 7i, the Transition Committee has met several times by teleconference, and has held a face-to-face meeting jointly with the Program Policy and Structure Committee. Both committees are working in close cooperation, and to date, significant progress has been made. In presenting the following summary of this progress, it is emphasized that these are only tentative positions that may be refined further by the two committees before presentation to the conference for approval.

Proposed Structure

The present structure of NELAC incorporates two major functions: standards-development; and standards-adoption. The new structure would assign these functions to separate organizations. NELAC would become only a standards-adoption organization, and it would consider proposed standards from consensus standards-development organizations.

The standards-adoption organization (NELAC) would have government-only participation, to satisfy the needs of EPA and the states, and would remain under the auspices of EPA. It would be an equal voluntary partnership of state, federal, and tribal government stakeholders. It would adopt standards for implementation by NELAP Accrediting Authorities. The private sector would be provided an opportunity to submit comments, but otherwise would not participate in the standards-adoption organization.

Standards from any consensus standards-development organization could be considered by NELAC. A new non-profit organization has been established already, and has announced its intention to structure itself with committees similar to the present NELAC

standing committees, and to have equal participation by government and private-sector voting members.

The National Environmental Laboratory Accreditation Program (NELAP) remains as currently structured. It continues to be an EPA program. Accrediting Authorities approved under NELAP would agree to adopt the NELAC standards and would retain their authority.

Current Status

As the Transition Committee develops the outline structure, the Program Policy and Structure Committee is developing the details. The Program Policy and Structure Committee has completed a draft amendment of the NELAC Constitution and Bylaws, and this will be presented for consideration at NELAC 8, in Tampa, FL in July 2002. A joint session of the Transition and Program Policy and Structure Committees is scheduled for NELAC 8, when a full progress report will be presented. At that time, standards-development organizations will be invited to make presentations, and input will be solicited from all stakeholders. Meanwhile, input and suggestions can be provided to the Transition Committee chair, Dr. Paul Kimsey, (pkimsey@dhs.ca.gov), or the Program Policy and Structure chair, Dr. Ken Jackson (Jackson@wadsworth.org). If you have specific questions on this article, please contact Ken Jackson.